

21 C.J.S. Courts § 312

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Courts

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IX. Court Commissioners

A. Nature of Office, Appointment, Qualification, and Tenure

§ 312. Qualifications of court commissioner; bond

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Court Commissioners](#)  1, 6

The legislature may statutorily prescribe the qualifications of court commissioners, and a court commissioner may be required to give a bond conditioned upon the faithful performance of his or her duties.

The legislature may statutorily prescribe the qualifications of court commissioners¹ although the legislature cannot impose greater restrictions or exact other requirements as to eligibility other than those prescribed in the state constitution.² A court commissioner may be a lay person³ or an attorney.⁴

A court commissioner may be required to give a bond conditioned upon the faithful performance of his or her duties, and such bond must be read in the light of the law in existence at the time it is given.⁵

Footnotes

- 1 Wash.—*State v. Goss*, 78 Wash. App. 58, 895 P.2d 861 (Div. 2 1995).
- 2 Minn.—*State v. Ries*, 168 Minn. 11, 209 N.W. 327 (1926).

Minimum age
A constitutional provision may require that persons holding the office of court commissioner be a minimum age.

Minn.—*Meyers v. Roberts*, 310 Minn. 358, 246 N.W.2d 186, 90 A.L.R.3d 893 (1976).
- 3 Wash.—*State v. Goss*, 78 Wash. App. 58, 895 P.2d 861 (Div. 2 1995).
- 4 Wyo.—*In re Adoption of KJD*, 2002 WY 26, 41 P.3d 522 (Wyo. 2002).
- 5 W. Va.—*State ex rel. Shull v. U.S. Fidelity & Guaranty Co.*, 81 W. Va. 184, 94 S.E. 123 (1917).

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